

<p>1 P. OREZIAK</p> <p>2 Q. And what does that indicate?</p> <p>3 A. The person that went to the job</p> <p>4 site and took the measurements.</p> <p>5 Q. And then the next entry is</p> <p>6 template date.</p> <p>7 A. Yes.</p> <p>8 Q. Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And that indicates when the</p> <p>11 entries were made?</p> <p>12 A. Yes.</p> <p>13 Q. And the next entry below that</p> <p>14 there's an installation date which indicates</p> <p>15 the installation?</p> <p>16 A. Yes.</p> <p>17 Q. And then there's an entry for yard</p> <p>18 salesmen.</p> <p>19 A. Um-hum.</p> <p>20 Q. That is blank here. What would</p> <p>21 that typically -- if anything, what would that</p> <p>22 typically indicate?</p> <p>23 A. It would indicate that the</p> <p>24 customer just called us in with the number.</p> <p>25 And we started fabricating.</p>	Page 74	Page 75
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<p>1 P. OREZIAK</p> <p>2 Q. Who that is Barbara Wojtach?</p> <p>3 A. She's the bookkeeper.</p> <p>4 Q. And I see also that Peter Bucko</p> <p>5 made some entries here as well.</p> <p>6 A. Yes.</p> <p>7 Q. Do all salespeople have access to</p> <p>8 make comments on the work order logs?</p> <p>9 A. They could, yes.</p> <p>10 Q. Is that a regular part of what</p> <p>11 they're expected to do?</p> <p>12 A. Not always. If the customer is</p> <p>13 not specific and they just want a standard</p> <p>14 estimate then no notes are made.</p> <p>15 Q. There are also some -- some of</p> <p>16 these notes appear to be in Polish; is that</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. And looking at the -- let's say</p> <p>20 the 11/30/07 note, can you tell me what that</p> <p>21 says?</p> <p>22 A. That we did a removal of the</p> <p>23 countertop and a full back splash.</p> <p>24 Q. And then the entry on 11/28?</p> <p>25 A. That the customer agreed on the</p>	Page 76	Page 77
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<p>1 P. OREZIAK</p> <p>2 full removal of the countertop for \$250.</p> <p>3 Q. And when you remove a countertop,</p> <p>4 what does that include?</p> <p>5 A. Removing the countertop, of</p> <p>6 course. And then disposing it.</p> <p>7 Q. Disposing it means taking it off</p> <p>8 the person's property? The consumer's</p> <p>9 property?</p> <p>10 A. Yeah.</p> <p>11 Q. And then the next entry on 11/28,</p> <p>12 could you tell me what that says?</p> <p>13 A. That we have the coupon for the</p> <p>14 sink.</p> <p>15 Q. And is that typically an entry</p> <p>16 that's made, to your knowledge?</p> <p>17 A. Sometimes.</p> <p>18 Q. Is it part of the policy or</p> <p>19 procedure at All Granite?</p> <p>20 A. Not always.</p> <p>21 Q. The 11/20 -- the next one I can</p> <p>22 read but the last one on 11/27 could you tell</p> <p>23 me what that is?</p> <p>24 A. Peter wrote down that they're</p> <p>25 using a D-shaped sink.</p>		
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<p style="text-align: right;">Page 78</p> <p>1 P. OREZIAK  2 Q. And the last two words, what does  3 that mean?  4 A. That we had the coupon.  5 Q. Then looking at the next page, AGM  6 0052, could you tell me what this is?  7 A. This is a typical layout from a  8 template. We have the drawing, some  9 information on the side. Measurements.  10 Overall measurements for me to price out,  11 basically.  12 Q. And, again, it looks like there's  13 some Polish on the table portion on the left.  14 Can you read that or see that?  15 A. On top we have the work order.  16 Then we have the material showing the number.  17 And then it's written confirm, just to  18 double-check with the customer if that's  19 actually the color. Then we have the edge,  20 also confirm because that wasn't quite sure --  21 quite certain at the moment. No back splash.  22 A D-shaped sink, confirm. Cooktop cutout, no.  23 Then we have a note that the  24 customer wasn't present at the time of  25 measuring. It was the grandmother. And just    TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 79</p> <p>1 P. OREZIAK  2 double-check with the homeowners. First  3 floor. Wooden old stairs. We had the removal  4 of the countertop. And then we have the  5 drawings signed by Peter. We have the amount  6 and form of the deposit and the customer's  7 signature.  8 Q. And then looking at the last page  9 of this document, Bates stamped AGM 0053,  10 could you tell me what this is?  11 A. This is an invoice showing the  12 color, edge, installation date, total price,  13 deposit and balance. Just the standard  14 invoice showing everything paid in full.  15 Q. Now, is it correct to say that All  16 Granite offers quicker turnaround with respect  17 to payments by cash?  18 A. Yes.  19 Q. And why is that?  20 A. Because we don't have to wait for  21 the check to clear.  22 Q. So if I paid you by check if I was  23 your customer, you'd wait for the check to  24 clear before you installed the sink -- or  25 installed the countertop? Sorry.    TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 80</p> <p>1 P. OREZIAK  2 A. Yes. It takes a couple days  3 longer because we wait for the check to clear.  4 MR. MALTBIE: I'd like to have  5 marked as Plaintiff's Exhibit 7 a  6 two-page document Bates stamped ART  7 00241 through ART 00242.  8 (Plaintiff's Exhibit 7, document  9 bearing production numbers ART 00241  10 through ART 00242, marked for  11 identification as of this date.)  12 BY MR. MALTBIE:  13 Q. Mr. Orezia, I'd like you to take  14 a look what's been marked as Plaintiff's  15 Exhibit 7 and could you tell me if you've ever  16 seen a document like this before?  17 A. Not until Robert showed it to me.  18 Q. And when did Robert show it to  19 you?  20 A. The first time I came -- the  21 second time -- when I came down over here, he  22 asked me the same question, did I ever see  23 this before.  24 Q. And --  25 A. My answer was no, I never saw that    TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 81</p> <p>1 P. OREZIAK  2 before.  3 Q. When was that conversation with  4 Robert?  5 A. Thursday.  6 Q. Then just going back to -- I  7 believe I asked you earlier whether you looked  8 at any documents in connection with your  9 testimony today. I thought you said no.  10 Besides this document, are there  11 any other documents that you looked at in  12 connection with your testimony today?  13 A. No, no. No.  14 Q. Okay. And just to clarify, so  15 you've never seen a document like this before;  16 is that correct?  17 A. Yes.  18 Q. And that would hold true for both  19 South Plainfield and you've never seen a  20 document like this in Ridgefield Park as well;  21 is that correct?  22 A. No. I've never seen a document  23 like this.  24 Q. Do you know why an All Granite  25 customer was given this document at the    TSG Reporting - Worldwide 877-702-9580</p>

<p>1 P. OREZIAK 2 Ridgefield Park showroom? 3 MR. CHIODO: Objection. You can 4 answer. 5 A. No. I don't know why they 6 would -- I don't know if they would receive 7 something like this at the Ridgefield Park 8 office. 9 Q. Do you know if a document like 10 this was ever made available at the South 11 Plainfield showroom? 12 A. It was not made available. I've 13 never seen this before. 14 Q. Do you know why a representative 15 of Artisan testified that he saw this document 16 in the South Plainfield showroom? 17 A. No. 18 Q. Is there a receptionist at the 19 South Plainfield location? 20 A. No. 21 Q. How are phone calls handled? 22 A. Everybody picks up -- could pick 23 up the phone. 24 Q. And if a customer was calling with 25 respect to an installation issue, would they TSG Reporting - Worldwide 877-702-9580</p>	<p>1 P. OREZIAK 2 call and end up with the person who opened 3 their order or would it be handled some other 4 way? 5 A. It depends on what type of issue. 6 But, no, anybody could actually help. If 7 there's any basic question. 8 Q. And specifically with respect to 9 complaints about installation issues, who 10 handles those calls? 11 A. It used to be Peter. Now it's me 12 and Daniel. 13 Q. And when was that change made? 14 A. Couple weeks back. 15 Q. And do you know why that change 16 was made? 17 A. No particular reason. 18 Q. Was Peter not doing a good job 19 handling the complaint calls? 20 A. Actually, to improve basically the 21 service calls because if Peter took the call 22 he would still have to consult with me so to 23 get a faster response to the customer I would 24 just take the calls directly. 25 Q. Does All Granite have any means of TSG Reporting - Worldwide 877-702-9580</p>
<p>1 Page 84 2 P. OREZIAK 3 keeping track of complaints? 4 A. No. 5 Q. Are you aware of the All Granite 6 South Plainfield location ever receiving any 7 calls specifically with respect to the sinks 8 that are installed by All Granite? 9 A. Sometimes. Not in regard to the 10 sink itself. Sometimes it's possible that not 11 enough silicon was put around the sink. 12 Q. Anything else? Any other issues? 13 A. No. 14 Q. Do you recall any calls to South 15 Plainfield with respect to obtaining 16 accessories for their sinks? 17 A. No. 18 Q. Do you recall any customers 19 calling to ask about the manufacturer or brand 20 name of the sink that was installed? 21 A. I don't recall. 22 MR. MALTBIE: We can mark as 23 Plaintiff's Exhibit 8 a document Bates 24 stamped AGM 172 through AGM 178. 25 (Plaintiff's Exhibit 8, document bearing production numbers AGM 172 TSG Reporting - Worldwide 877-702-9580</p>	<p>1 Page 85 2 P. OREZIAK 3 through AGM 178, marked for 4 identification as of this date.) 5 BY MR. MALTBIE: 6 Q. Mr. Orezia, this was a document 7 produced by All Granite with respect to a 8 customer named Charles Nagle. 9 Do you see that? 10 A. Yes. 11 Q. Have you ever seen this document 12 before? 13 A. I don't think I have. 14 Q. Do you recall ever assisting a 15 customer named Charles Nagle? 16 A. No. 17 Q. Now, looking again at who created 18 this estimate, it says Myron Tachuk, is that 19 -- 20 A. Tachuk, yes. 21 Q. Does that Mr. -- does that mean 22 that Myron was the one who opened -- 23 A. He created the estimate, yes. 24 Q. Yes. 25 And it says Last Corrected by Helena on November 19th. TSG Reporting - Worldwide 877-702-9580</p>

P. OREZIAK

Q. And the next page?

A. A layout once again from Paul, the technician who came out and measured.

Q. And, again, there's some notes in Polish here. Could you tell me what those say?

A. The customer wants the sink cutout and that we have the sample.

Q. We have the what? The sample?

A. The sample. Sometimes we bring the sample back just to confirm.

Q. And then the next -- the next page is a work order; is that correct?

A. Yes.

Q. And then this is -- appears to have been created by Peter Bucko. Do you see that?

A. Yes.

Q. And would that -- does it have any significance that Mr. Bucko created this document as opposed to the estimate that was created by Myron?

A. Anybody can create it. Usually it's actually two different people. Because

1 P. OREZIAK  
2 an estimate is just to give the customer an  
3 idea of what kind of prices, you know, we can  
4 offer and so on. The work order, the customer  
5 just calls in and anybody who answers the  
6 phone can open the work order.  
7 Q. And then the last page of this  
8 document appears to be a sales tax ST-8 form?  
9 A. Yes.  
10 Q. What is this document?  
11 A. It's a form from the State of New  
12 Jersey basically that allows the customer to  
13 save the tax on the order.  
14 Q. Is this a common document that you  
15 handle at All Granite?  
16 A. Customers usually know about it.  
17 Sometimes they don't. It's not -- it's not  
18 that common but we do use it, yes.  
19 Q. Now, I'll represent to you that  
20 I've spoken to Mr. Nagle and he informed me  
21 that he was assisted by you during this  
22 purchase.  
23 Do you have any specific  
24 recollection of helping Mr. Nagle?  
25 A. No.

1 P. OREZIAK  
2 Q. I'll further represent that Mr.  
3 Nagle informed me that he was concerned about  
4 the height of his -- or the depth of the sink  
5 that would be installed and asked you  
6 specifically with respect to that issue who  
7 the manufacturer of the sink was.  
8 Do you have any recollection of  
9 that?  
0 A. No.  
1 Q. Mr. Nagle also told me that he,  
2 while on the way to view some of the slabs,  
3 picked up a sink that was sitting in the  
4 inventory area.  
5 Do you recall a customer ever  
6 doing that?  
7 A. No, I don't recall.  
8 Q. I show you what's been previously  
9 marked as Plaintiff's Exhibit 2.  
0 Mr. Oreziak, could you tell me if  
1 you've ever seen this document before?  
2 A. Yes.  
3 Q. And what is this document?  
4 A. A memorandum. Robert told me to  
5 make sure it's hanged on the wall in the  
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<p style="text-align: right;">Page 90</p> <p>1 P. OREZIAK  2 office, the showroom. That's it.  3 Q. So is this now hanging on the wall  4 in the showroom?  5 A. In the lunch room, actually.  6 Where the employees are.  7 Q. Was this document also given to  8 the salespeople at South Plainfield?  9 A. I believe so, yes.  10 Q. Were you responsible for giving it  11 to them or was someone else, if you know?  12 A. I took a day off actually on  13 Tuesday when Robert provided us with this  14 form.  15 Q. And so when did you first receive  16 this form?  17 A. On the Wednesday when I came back  18 to work.  19 Q. And, to your knowledge, all the  20 other salespeople received it as well?  21 A. Yes.  22 Q. Do you know if any specific  23 instruction was given with respect to this  24 memo when it was given out to the salespeople?  25 A. Just to read it and just hang it</p>	<p style="text-align: right;">Page 91</p> <p>1 P. OREZIAK  2 on the wall.  3 Q. Do you know if all salespeople  4 have read this memo?  5 A. Yes.  6 Q. And have they all?  7 A. They have, yes.  8 Q. You've confirmed that with each of  9 them?  10 A. Yes.  11 Q. Do you know if a similar memo was  12 distributed in the Ridgefield Park showroom?  13 A. I don't know.  14 Q. Do you know if a similar memo was  15 on display at the Ridgefield Park showroom?  16 A. Don't know.  17 Q. How about Stroudsburg?  18 A. Don't know.  19 Q. Do you know if there's any  20 additional information provided to All Granite  21 salespeople in South Plainfield in connection  22 with this memo?  23 A. No.  24 Q. You don't know or --  25 A. I don't know.</p>
<p style="text-align: right;">Page 92</p> <p>1 P. OREZIAK  2 Q. Do you know if All Granite and  3 specifically the South Plainfield location has  4 continued to install kitchen sinks since  5 January 11, 2008?  6 A. Yes. We install sinks.  7 Q. You continue to install sinks.  8 A. Um-hum.  9 Q. Has there been any stoppage with  10 respect to the installation of these sinks?  11 A. I don't think so.  12 Q. Are you aware if there was any  13 change to the design to any of the sinks that  14 All Granite has installed since January 11,  15 2008?  16 A. I don't know.  17 MR. MALTBIE: Let's take a  18 five-minute break.  19 MR. CHIODO: Sure.  20 (Recess taken.)  21 (Plaintiff's Exhibit 9, document  22 bearing production numbers AGM 151  23 through AGM 161, marked for  24 identification as of this date.)</p>	<p style="text-align: right;">Page 93</p> <p>1 P. OREZIAK  2 BY MR. MALTBIE:  3 Q. Showing you what's been marked as  4 Plaintiff's Exhibit 9, a document Bates  5 stamped AGM 151 through 161.  6 Mr. Oreziak, if you could take a  7 look at what's been marked as Plaintiff's  8 Exhibit 9 and could you tell me what the first  9 page of this document is?  10 A. Once again, standard printout  11 showing the estimate for the customer.  12 Q. If you look at the Created By  13 entry on this document its says Chris Oreziak.  14 Is that you?  15 A. That's my brother.  16 Q. That's your brother.  17 A. My younger brother, yes.  18 Q. And he's also a salesman at All  19 Granite?  20 A. In Ridgefield Park, yes.  21 Q. In Ridgefield Park. So this is a  22 Ridgefield Park order, as far as you can tell?  23 A. Yeah, um-hum.  24 Q. Have you had any conversations  25 with your brother with respect to this</p>

<p style="text-align: right;">Page 94</p> <p><b>P. OREZIAK</b></p> <p>lawsuit?</p> <p>A. Only that we have a lawsuit with Artisan. That's it.</p> <p>Q. Did you discuss any of the specific allegations of this lawsuit?</p> <p>A. No.</p> <p>Q. Did you discuss the use of Artisan -- the use of the Artisan name in connection with the promotion of sinks through All Granite?</p> <p>A. No.</p> <p>Q. Do you know if your brother has ever told a consumer that they would be receiving an Artisan sink as part of their installation?</p> <p>A. No.</p> <p>Q. You don't know or --</p> <p>A. I don't know. I don't think he would say that, no.</p> <p>Q. And your brother is currently employed by All Granite in Ridgefield Park?</p> <p>A. Part time.</p> <p>Q. How many days a week does he work?</p> <p>A. Right now I'm not quite sure on</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 95</p> <p>the schedule because he's still -- he still goes to school.</p> <p>Q. Okay.</p> <p>Are you aware of any salesperson at All Granite in South Plainfield informing a customer calling after the installation regarding their sink and the salesperson informing that customer that they received an Artisan sink?</p> <p>A. No.</p> <p>MR. MALTBIE: No further questions at this time.</p> <p>MR. CHIODO: And I have none.</p> <p>(Time Noted: 11:47 a.m.)</p> <p style="text-align: right;">PIOTR "ALEX" OREZIAK</p> <p>Subscribed and sworn to before me this ___ day of _____, 2008.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 96</p> <p><b>C E R T I F I C A T E</b></p> <p>STATE OF NEW YORK )</p> <p>: ss.</p> <p>COUNTY OF NEW YORK )</p> <p>I, FRANCIS X. FREDERICK, a Notary Public within and for the State of New York, do hereby certify:</p> <p>That PIOTR "ALEX" OREZIAK, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.</p> <p>I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of February, 2008.</p> <p style="text-align: right;">FRANCIS X. FREDERICK</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 97</p> <p>----- INDEX -----</p> <p>WITNESS EXAMINATION BY PAGE</p> <p>PIOTR "ALEX" OREZIAK MR. MALTBIE 4</p> <p>----- INFORMATION REQUESTS -----</p> <p>DIRECTIONS: NONE</p> <p>RULINGS: NONE</p> <p>TO BE FURNISHED: NONE</p> <p>REQUESTS: NONE</p> <p>MOTIONS: NONE</p> <p>----- EXHIBITS -----</p> <p>PLAINTIFF'S FOR ID.</p> <p>Exhibit 6</p> <p>document bearing production numbers</p> <p>AGM 0049 through AGM 0053..... 68</p> <p>Exhibit 7</p> <p>document bearing production numbers</p> <p>ART 00241 through ART 00242..... 80</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

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